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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/125,958	08/26/1998	TOMOYUKI OHTANI	5162-46	8366

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EXAMINER

LEE, CHI HO A

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/125,958

Applicant(s).

OHTANI ET AL.

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 August 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 18-24, 27-36 and 39 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 11-17, 25, 26, 37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 10, 20, 21, 28-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 9 and 10, the phrase "type" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 20, 21 recites the limitation " frame sync information " in line 17-18. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 20, 21, lines 15-18, it is unclear the difference between "frame synchronization information" and "frame sync information".

### ***Claim Objections***

2. Claim 20 is objected to because of the following informalities:

Grammar error on line 16, "." Should be -,-.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, 18-24, 34-36, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekine et al U.S. Patent Number 6,259,683 B1.

Re Claims 1-3, 34, 35, 36, Seline et al teaches in accordance to figs 2 and 3, a frame communication system comprising: Channel Mux & Clock insertion (fig. 2: 211) adding time stamp (frame synchronize information) received from the clock generation 209 (See col. 7, lines 57-63); the Clock Separation & Channel Demux (fig 3: 301) of the base station receives the time stamp and in accordance with the Clock Synchronization 307 and Frame Period 307, the Frame assemblage & Offset correction (fig. 3: 306) execute frame synchronization adjustment (See col. 8, lines 34-66).

Re Claim 4, base station (a receiver) 103 provides Clock synchronization (fig 3: 304) (first clock pulse); MCC (a transmitter) provides a Clock Generation (fig 2: 209)

(first clock pulse), wherein the clocks are in matches in phase (See col. 10, lines 8-18) and when the clocks are not matched, the adjustment is made according to the time stamp information transmitted from MCC.

Re Claims 5 and 6, refer to claim 4, wherein the determination of the delay is dependent on the time stamp information to match the phase to synchronize the clocks of MCC and BS. The expected delay time (radio frame length of 10ms) is a predetermined limit by which system can perform synchronization.

Re Claims 18, 19, MCC is coupled to plurality of base stations 104 and 103 (at least one other adder), which includes Time stamp adder (synchronization information adder) (fig 3: 305), Offset correction 306 (a correction mean) and clock synchronizations 304 (a clock circuits) in each base station and, the MCC (fig 2) receives the frame synchronization information from plurality of routes through the DeMux 214.

Re Claims 20, 21, fig 4 teaches the radio communication terminal (a transmitting means) wherein the Offset calculation 413 transmits the phase information to the base station (a receiving means) fig 3 (See col. 6, lines 64-68), wherein the offset correction 306 base on the transmitted information.

Re Claims 22-24, when the clocks between the MCC and BS(s) are not in phase.

Re Claim 39, MCC provide CDMA handover function wherein plurality of frames are executed simultaneously, wherein during the synchronization process, the adders within the base stations transmit timing information which are current to communication process.

***Allowable Subject Matter***

5. Claims 7, 8, 11, 12, 38, 13-17, 25, 26, 37, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to teach the combination with Claims 2, 5, and 7; Claims 3,6, and 8, wherein the expected delay time is equal to the sum of a maximal delay time estimated for the frame, and an estimated maximal phase difference between the first and second clock pulse.

Prior art fails to teach the combination with claims 1, 4, and 13, the transmission control circuit receives the alarm signal and updates the correction value.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al U.S. Patent Number 6,259,683 B1.

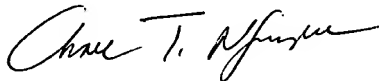
Re Claim 33, Sekine et al fails to explicitly teach the information indicative of transmission condition indicates a disconnection state of transmission. However, this information is implicit in the signaling protocol of the communication system. With this information, among other things, the MCC can determine whether the handover is possible. One of ordinary skilled would have been motivated by the signaling protocol to use this state information to control the handling of information transfer. Therefore, it would have been obvious to one ordinary skilled to use transmission state information for reliability.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Andy Lee  
December 5, 2001



CHAU NGUYEN  
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